



**YERINGTON PAIUTE TRIBE**  
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December 20, 2016

**Tribal Chairman**  
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Jeryl Gardner, PE CEM  
NDEP Anaconda Mine Project Manager  
Nevada Division of Environmental Protection  
901 S. Stewart St., Suite 4001  
Carson City, NV 89701  
jgardner@ndep.nv.gov

RE: Proposed Plan for Operable Unit 8 of the Anaconda Copper Mine, Lyon  
County, NV, November 2016.

Mr. Gardner:

The proposed plan for operable unit 8 is an important step in addressing the human health and ecological hazards posed to the community affected by the BP Anaconda Mine CERCLA Site. This plan is leading the way for some of the first permanent, large scale actions at the site and under the supervision of EPA and NDEP it will be a standard for future work.

The Tribe has provided as an attachment to this letter, a number of comments and suggestions regarding the Proposed Plan. Some of the comments we are providing are focused on additional design phases expected to be part of later processes. Additional comments relate to the drain down fluids as a long running correction that requires attention, and the need for data on the safety of agricultural products from the area. This may require later discussions, planning and hopefully, future public information.

One of the most important comments provided below is regarding the thickness of the proposed cap. The statements in the Proposed Plan versus those made in the Conceptual Closure Plan (June 2015) differ regarding the 2-foot acceptable cap. Review of comparable sites, data on regional vegetation and known meteorological conditions identify the need for a more realistic, and substantial option. Subsequently, capping is likely the most effective option but could require a far greater amount of material than currently proposed with respective increases in costs. As per our review, Alternative 4 with capping described in Alternative 3 is a more realistic alternative until additional testing and modeling results are revealed in the final capping design.

It is recommended that a site-wide stormwater plan is long overdue and should be developed concurrent with the design of OU8. Without a design for the entire facility, it will be technically impossible to evaluate the effectiveness of the OU8 proposed plan in regards to stormwater.

The Yerington Mine Operable Unit 8 Focused Feasibility Study, Conceptual Closure Plan, a key document for this review, was provided late in the process. A draft mark-up version was emailed after the Tribe provided comments but follow up on the Tribe's comments was not provided. Although EPA provided the Final Feasibility Study for the Arimetco Facilities (dated October 2016, provided on November 1, 2016) and directed the Tribe's consultants to that document for this review, it appears that NDEP and EPA did not provide the more detailed design documents in time for review. Subsequently, EPA and NDEP have not provided adequate time for review of the referenced documents by stakeholders. Adding to this, the system previously used to manage site documents, a Sharepoint site managed by Tetrattech, was not operating during this review period and alternatives were not provided. We are requesting that document management be reviewed and improved this Proposed plan moves forward.

We appreciate the efforts of EPA and NDEP staff to coordinate these efforts with YPT Environmental Staff. Please direct any questions to our Environmental Director, Ginny Hatch, at 775.463.7866 ext. 1.

Sincerely,



Laurie A. Thom, Chairman, Yerington Paiute Tribe

Cc: Jeff Page, County Manager, Lyon County  
Dan Newell, City Manager, City of Yerington  
Alexis Strauss, Acting Regional administrator, US EPA Region IX  
Enrique Manzanilla, Director, Superfund Division, US EPA Region IX  
John Ruhs, Nevada Director, Bureau of Land Management  
Amber Torres, Chairman, Walker River Paiute Tribe